

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ORIGINAL

UNITED STATES OF AMERICA

- v. -

SETH FISHMAN,

Defendant.

Scaled Affidavit Requesting
Order of Continuance

19 Mag. 10120

State of New York)
County of New York) ss.:
Southern District of New York)

Sarah Mortazavi, pursuant to Title 28, United States Code, Section 1746, hereby declares under penalty of perjury that the following is true and correct:

1. I am an Assistant United States Attorney in the Office of Geoffrey S. Berman, United States Attorney for the Southern District of New York. I submit this affirmation in support of an application for an order of continuance of the time within which an indictment or information would otherwise have to be filed, pursuant to 18 U.S.C. § 3161(h)(7)(A).

2. The defendant was charged in a complaint dated October 28, 2019, with violating Title 21, United States Code, Sections 331(a), 333(a)(2), 353(b), and Title 18, United States Code, Section 2. The defendant was arrested in the Southern District of Florida on October 27, 2019 and appeared before Chief Magistrate Judge John J. O'Sullivan in the U.S. District Court for the Southern District of Florida on October 29, 2019, pursuant to Federal Rule of Criminal Procedure 5(c)(3). The defendant was released on bail, subject to conditions, and ordered to appear in the U.S. District Court for the Southern District of New York on November 12, 2019. The defendant was presented on November 12, 2019 in the U.S. District Court for the Southern District of New

York on November 12, 2019 before Magistrate Judge Katharine H. Parker. The defendant was released on bail, subject to conditions.

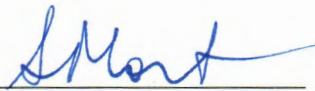
3. Defense counsel and I have had discussions regarding a possible disposition of this case. The discussions have not been completed and we plan to continue our discussions, but do not anticipate a resolution before the deadline under the Speedy Trial Act expires on February 12, 2020.

5. Therefore, the Government is requesting a 30-day continuance until March 13, 2020, to continue the foregoing discussions. On February 11, 2020, I personally heard from defense counsel, who specifically consented to this request.

6. For the reasons stated above, the ends of justice served by the granting of the requested continuance outweigh the best interests of the public and defendant in a speedy trial.

7. Upon an application made by the Government, with the defendant's consent, on November 12, 2019, Magistrate Judge Parker ordered that all papers in this matter be filed under seal. Wherefore, the Government further requests that this application, the attached proposed order, and any orders issued by the Court be filed under seal.

Dated: New York, New York
February 11, 2020



Sarah Mortazavi
Assistant United States Attorney
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